

**Z-7-2008 amended
Zions Securities Corp. and Ivory Development
Between 3100 South and Lake Park blvd. and east of Daybury Dr.
Development Agreement Amendment
11.12 acres**

On August 27, 2008, the Planning Commission recommended approval of a zone change from M (manufacturing) to R-1-8 (residential, single family, minimum lot size 8,000 square feet) for 11.12 acres owned by Zions Securities Corporation within the proposed Plat C of Highbury. The recommendation for approval was subject to a development agreement. The purpose of this latest application is to amend the proposed development agreement for Plat C as well as the approved development agreement for Plat B.

On September 24, 2008, the Planning Commission continued the proposed development agreement amendment to allow the applicant time to revise the concept plan to address concerns raised during the public hearing. Ivory Development provided a revised concept plan that was reviewed during study session on October 1, 2008.

Attached to this report are the original concept (labeled as concept 1) for Plats B and C, the revised concept reviewed during the public hearing on September 24th (labeled as concept 2) and the proposed, latest concept reviewed on October 1st (labeled as concept 3 with Plat B and Plat C on separate sheets).

Staff recommends concept 2 or 3 over concept 1 for the following reasons:

- Concepts 2 and 3 provide a park and clubhouse in Plat B.
- Concepts 2 and 3 distribute the townhomes instead concentrating them in one location.
- Concepts 2 and 3 provide more consolidated, useable open space than concept 1. This is especially true for concept 3 in that a public street has been removed which makes room for more open space.
- Concepts 2 and 3 place some street facing units along the east side of Daybury Dr. without a wall to match the west side.

Also attached to this report is the latest development agreement proposal that incorporates the changes listed above. The proposed additions are underlined and deletions are noted in the margins.

Staff Alternatives:

1. Approval of the development agreement changes as proposed by the applicant in concept 3.
2. Approval of the development agreement changes as proposed by the applicant in concept 2.
3. Approval of the development agreement proposed by the applicant with changes as determined during the public hearing.
4. Continuance, for reasons determined during the public hearing.
5. Denial of the development agreement changes. The development agreement

recommended for approval on August 27, 2008 should be forwarded to the City Council together with the zone change application for their review.

Applicant:

Chris Gamvroulas
Ivory Homes

Applicant:

Don White
Zions Securities

Opposed:

Steve Freebairn
5356 Sefton Dr.

Opposed:

Soren Sorensen
3089 Crews Hill Ct.

Opposed:

Danalee Zimmerman
3026 Tower Hill Way

Opposed:

Frank Chogas
3012 Tower Hill Way

Discussion: Steve Pastorik presented the application. Harold Woodruff questioned what the dark line that runs through the single family residential neighborhood represents on the third proposed concept plan. Steve explained that it is a phasing line that indicates that the existing homes are to the north. Phil Conder questioned whether the fence on Daybury Drive will start where the single family homes begin. Steve replied yes and added that the fence will extend all the way across except for areas of open park space. Phil Conder asked whether the fence will be trex. Steve replied yes.

Chris Gamvroulas, representing Ivory Homes, displayed a map of the subdivision that depicted where current residents live. He stated that when customers asked if the entire subdivision would be single family, they were told that it would be but the map in the model home shows blank space below the single family subdivision where the townhomes are being proposed. He explained that both the second and third concept plans are not an increase in density but rather a movement of density. Mr. Gamvroulas stated that the new concept plan moves 90 townhomes next to a busy road, across from other townhomes, and across from the West Valley City Fitness Center. He said that this plan conforms to modern planning principals and is a successful type of planning as proven by several neighborhoods built throughout Utah including the popular Daybreak subdivision. Mr. Gamvroulas explained that a neighborhood meeting was held the previous night where the new plans were displayed and the changes were talked about with the residents. He stated that Ivory received a lot of feedback about the proposed clubhouse in the neighborhood and the overall message from the existing homeowners was that they are not happy with the townhomes being moved as a buffer to 3100 South. Mr. Gamvroulas stated that there was a hard line of opposition from the neighbors and little information was exchanged. He explained that the residents seemed to be concerned about the townhomes diminishing the value of a home and the value of life within the community. Mr. Gamvroulas proceeded to display a slideshow depicting various Ivory subdivisions throughout Utah where this mixed design has been successful and has not diminished value in any way. He explained that the slideshow demonstrates the context of the thought process behind this amendment and added that the parkside homes will bring a new housing type to a well planned subdivision. Mr. Gamvroulas stated that the third scenario will remove six units from the townhomes on 3100 south to create a larger buffer between the townhomes and the single family homes. He added that the road to the northwest of the project has been removed to create more open space and the parkside homes front onto both the street and the open space as well. He concluded that all view

corridors will be maintained with the third scenario as well.

Don White, representing Zions Securities, stated that this subdivision is part of Lake Park. This idea was conceived a long time ago to be a high quality island in the valley and is an important commitment to Zions Securities that is one they don't take lightly. Mr. White explained that Zions has built a lake system, helped construct a golf course, and created more usable open space in the area. This subdivision is intended for quality tenants and to make it a success a partnership must be developed between everyone. The residential portion of this project is integral to the success of the entire area and was proposed to enable people the ability to work close to where they live as well as providing a variety of housing types for people in different life stages. Mr. White stated that Zions is still a company committed to quality and long range goals. He indicated an area on the proposed plan where a new two story elementary school will be built. He also pointed out the area where a charter school will be built and the areas that had to be expanded to accommodate the school. Mr. White concluded that Zions is also working to get a high quality assisted living center in the subdivision as well other commercial sites in the area.

Soren Sorensen, a resident of the existing townhome community, stated that he is opposed to the additional townhomes on 3100 South because it will bring more people and more traffic. He explained that he lives on the southwest corner of Highbury and traffic is continually dense throughout the day as it is. He added that he is concerned what the clubhouse will do to their HOA payments and indicated that a clubhouse is unnecessary with the West Valley City Recreational Center across the street which will likely be cheaper to utilize. Mr. Sorensen stated that it sounds like a grand scheme until the costs of living in the neighborhood go up. He explained that he purchased the townhome out here because the HOA was reasonable and the plat depicted single family homes in the neighboring subdivision. He concluded that he doesn't see any need to change the number or location of the single family homes. Phil Conder questioned if there are any plans to include a traffic light to deter any increased traffic flow. Steve Pastorik replied no. Harold Woodruff indicated that the total number of units haven't changed. Brent Fuller agreed and added that the townhomes closer to 3100 south won't cut through the neighborhood when they have a major street right next to them. Steve Pastorik also agreed and commented that the easiest way to get out would be to go to Daybury and head south.

Steve Freebairn, an existing resident of the subdivision, stated that the people living in the existing townhomes to the west don't want this proposed change either. He stated that these people were not invited to the neighborhood meeting conducted by Ivory Homes and after the meeting he procured a petition from them stating that they are also opposed to the change. Mr. Freebairn stated that there are 15-25 homes being built now and he has been trying to let people know of the proposed change because he believes it is unfair for somebody to make a large financial commitment with the land changing around them without their knowledge. Mr. Freebairn explained that he has lived near Highbury and thanked Don White and Zions Securities for doing a great job in the area. He stated that people who don't work near Highbury will likely get off of Bangerter Highway and come

in through the Lake Park area which will increase traffic in his neighborhood. Mr. Freebairn stated that the townhomes built by Ivory are extremely nice but the problem in his mind is that there is nothing preventing these townhomes from being rented as an apartment in the future. He added that part of the reason he was attracted to Highbury was that a person could live in the same community their entire life by starting off at the townhomes and moving upward. He explained that by redistributing the townhomes down to 3100 South it appears that the number of townhomes has increased if the townhomes to the west are included and added that he doesn't like the idea of so many townhomes being clumped together in one area. Chairman Woodruff questioned whether the clubhouse and park is desirable facility to the community. Mr. Freebairn replied that he preferred the pocket parks and added that he is concerned with an increase in the HOA payments especially since there is a recreational facility across the street. Jason Jones asked if Mr. Freebairn saw maps that displayed the entire subdivision as single family. Mr. Freebairn replied yes and stated that he received a drawing and an approved plot.

Chris Gamvroulas stated that the total number of units remain the same at 444 total and the 30 homes that were replaced with townhomes have been moved to the east side. This new proposal simply creates a mix of uses in one area. Mr. Gamvroulas stated that the need for a clubhouse has not yet been determined and solidified and Ivory is still flexible on this idea. He stated that he understands the concerns of the residents and if the clubhouse is built it can be moved down to the townhome portion of the project. Mr. Gamvroulas stated that he is not concerned with traffic going through the subdivision because it seems very unlikely since the townhomes are right next to 3100 South. He explained that the waterway was expanded in this area to be used for a boat ramp so open space was not lost, the use was simply changed. Mary Jayne Davis stated that the cost of the townhomes versus the cost of the single family homes is very comparable. Mr. Gamvroulas agreed and added that there is an overlap where some of the townhomes are more expensive than some of the single family homes. Phil Conder suggested that the clubhouse area could be removed and pocket parks could then be dispersed through the subdivision. Mr. Gamvroulas stated that as part of integrating a cohesive community he is open and flexible in creating a compromise along these lines. Jason Jones questioned how much the HOA fees would be increased if the clubhouse is included. Chris replied that it would likely be 10-15 dollars a month. Commissioner Jones asked if there is one single HOA for the entire area. Mr. Gamvroulas replied that there is one major HOA along with several smaller sub-associations. He explained that on the issue of the clubhouse, he would rather not have an opt-in/opt-out option. If there was a strong feeling of necessity from the townhome residents it could be built only for them to balance things out. Terri Mills asked Mr. Gamvroulas to address the type of clubhouse that may be constructed if it is decided as an amenity for the townhomes. Mr. Gamvroulas replied that Ivory has built both ornate and simple clubhouses and if this one is built for the townhomes it will likely be small with a kitchenette, meeting space, and a bathroom and added that 90 people wouldn't be able to afford a more luxurious, expensive one. Commissioner Mills replied that she doesn't understand why a clubhouse wouldn't be desirable because they are more welcoming and inviting. Mr. Gamvroulas agreed and stated that the specifics of a clubhouse can be looked at during the preliminary plat phase. Commissioner Davis stated that anyone buying in this development should understand that it is a mixed use area. Mr.

Gamvroulas agreed and added that it has been evolving and what is mixed use to one person is different to another.

Danalee Zimmerman stated that she owns a townhome in this community. She explained that she has a child who will be going to elementary school and she liked the idea of her daughter walking across the street through a single family neighborhood. She expressed her frustration that there are no traffic lights being proposed at this entrance to the neighborhood and added that more townhomes equals more cars which means more traffic. Ms. Zimmerman explained that she sees no need for a clubhouse because the townhomes in this area basically have a backyard and any events could be held there or at the fitness center across the street. She stated that she prefers the original layout and added that this is one of the reasons she bought her townhome at this location. Chairman Woodruff asked how many townhomes there will be in this area. Steve Pastorik replied that there are 96 proposed in the second concept plan, 90 proposed in the third concept plan, and an additional 102 existing on the west side.

Frank Chogas stated that he has been happy to live in the townhomes developed by Ivory. He explained that he has been told that the neighboring subdivision would be entirely single family residential. He added that he hears a lot of traffic on 3100 South frequently throughout the day. Mr. Chogas stated that Ivory is a great company and he hopes that the Planning Commission decides what is best for the area as well as for the families and children of the residents.

Phil Conder stated that he appreciates the comment made by Mr. Chogas regarding the need to find what is best for the community. He stated that residents clearly have valid concerns but the third concept plan appears to be the best use for the land. Commissioner Conder stated that he likes the configuration of the parkside homes and the road being removed to create more open space. He added that in the grand scheme of things it makes more sense to push higher density homes to the main roads. Commissioner Davis stated that she agreed and added that she appreciates the concern for traffic and children in the area but stated that traffic is a problem everywhere and no matter where someone moves, getting a child to school will always be a concern. She continued to state that Ivory is willing to be flexible and this change doesn't seem unethical. Commissioner Mills stated that concept plans 2 and 3 are better than the original because they both depict a wise and attractive development that will stand a greater chance at success. She stated that she likes third concept plan a little more than the second because of the greater amount of open space. Jason Jones questioned what the density difference is. Steve Pastorik explained that the townhome density is about 10 units per acre and the single family density is about 4.5 units per acre.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval of the development agreement changes as proposed by the applicant in concept 3

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Jones	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority - Z-7-2008– Approved